

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**CommScope, Inc.,**

Plaintiff,

V.

Rosenberger Technology (Kunshan) Co. Ltd.,  
Rosenberger Asia Pacific Electronic Co., Ltd.,  
Rosenberger Technology LLC, Rosenberger  
USA Corp., Rosenberger North America  
Pennsauken, Inc., Rosenberger Site Solutions,  
LLC, Rosenberger Hochfrequenztechnik  
GmbH & Co. KG, Janet Javier, and Robert  
Cameron,

### Defendants.

) Civil Action No. 19-cv-15962-MCA-LDW

**FILED UNDER SEAL**

**[PROPOSED] ORDER APPOINTING  
SPECIAL MASTER**

**PROPOSED ORDER**

On August 27, 2019, pursuant to the Court's Ex Parte Seizure Order, United States Marshals and the Court-appointed technical expert searched digital devices at the offices of Defendants Rosenberger Technology LLC ("Rosenberger Technology") and Rosenberger North America Pennsauken, Inc. ("Rosenberger North America") for two alleged trade secret software programs using a search protocol provided by Plaintiff CommScope, Inc. ("CommScope"). The technical expert applied the search protocol and found (a) no responsive files at the Rosenberger Technology office and (b) two computers with files responsive to the search protocol at the Rosenberger North America office. The technical expert forensically copied those two computers (hereinafter "Forensic Images") at the Rosenberger Technology office. CommScope has requested, and Defendants have agreed, to appoint a special master pursuant to 18 U.S.C. § 1836(b)(2)(D)(iv) "to locate and isolate all misappropriated trade secret information" on the

Forensic Images and “to facilitate the return of unrelated property and data” to Rosenberger Technology.

Based on the affidavits, files, and records in this matter, the Court finds that it is appropriate to appoint a special master under 18 U.S.C. § 1836(b)(2)(D)(iv). The special master shall locate and isolate the alleged misappropriated trade secret information and facilitate the return of unrelated property and data.

The Court hereby **ORDERS** as follows:

1. *Appointment.* Brian J. Halpin of Capsicum Group, is appointed under 18 U.S.C. § 1836(b)(2)(D)(iv) as special master to locate and isolate all allegedly misappropriated trade secret information and to facilitate the return of unrelated property and data. The special master shall execute and be bound by the Non-Disclosure Agreement attached to this Order.
2. *Procedures.* The special master shall proceed with all reasonable diligence and take all appropriate measures to perform the assigned duties fairly and efficiently. The special master shall execute the search protocol agreed to by the parties or, <sup>as to those matters that were not agreed,</sup> if the parties cannot agree, <sup>determined</sup> entered by the Court. <sup>during the</sup> A hearing has been scheduled before this Court on September 12, 2019 to <sup>telephone conference</sup> resolve any disagreement regarding the search protocol. The special master shall execute the search protocol in the manner that he deems appropriate based on his expertise and experience.
3. *Reports.* The special master shall, if necessary, make weekly written reports to counsel for Rosenberger Technology and CommScope regarding the status of review.
4. *Return of Property.* The special master shall return information identified by the Search Protocol as unrelated property or data to Rosenberger Technology in accordance with the search protocol. Upon completion of his review, the special master shall return the Forensic Images


to counsel for Rosenberger Technology, who shall preserve the Forensic Images for the remainder of the litigation, including any appeals.

5. *Fees and Expenses.* The special master shall be compensated at his usual rate, which he will bill to Plaintiff on a periodic basis, together with reimbursement for reasonable expenses incurred. The special master may employ other persons to provide clerical and secretarial assistance, who shall be subject to the terms of the Non-Disclosure Agreement binding the special master and shall work under the supervision and control of the special master, who shall take appropriate action to ensure that such persons preserve the confidentiality of information submitted to the special master in connection with his review.

6. *No Waiver.* This order appointing a special master in no way limits the parties' rights and obligations under the Federal Rules of Civil Procedure, or otherwise, to conduct discovery in this matter.

**IT IS SO ORDERED.**

SIGNED this 16<sup>th</sup> day of September, 2019.

  
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Hon. Leda Dunn Wettre  
United States Magistrate Judge